

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the final Office Action of April 28, 2010 is respectfully requested.

In the final Office Action, the Examiner rejected claims 25-32, 34, and 35 as being unpatentable over the Berg '048 reference in view of the Goldsteen reference, and further in view of the Berg '713 reference; rejected claim 33 as being unpatentable over the Berg '048 reference in view of the Goldsteen reference and the Berg '713 reference, and further in view of the Schwartz; rejected claims 36-42 and 44 as being unpatentable over the Berg '048 reference in view of the Goldsteen reference and the Berg '713 reference, and further in view of the Perez reference; and rejected claim 43 as being unpatentable over the Berg '048 reference in view of the Goldsteen reference and the Berg '713 reference, and further in view of the Perez reference and the Schwartz reference.

In response to those rejections, the Applicant submitted a Request for Reconsideration on July 28, 2010 traversing the prior art rejections, and the Applicant maintains and re-asserts all of the reasons for patentability stated in that Request for Reconsideration. In response to that submission, the Examiner issued an Advisory Action on August 11, 2010, maintaining all of the prior art rejections. Although the Applicant does not acquiesce to the Examiner's position with regard to the prior art, independent claims 25 and 36 have now been amended to further distinguish the present invention from the prior art. For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

Before turning to the new amendments, the Applicant first wishes to address the Examiner's comments set forth in the Advisory Action of August 11, 2010.

In the Request for Reconsideration filed July 28, 2010, the Applicant emphasized that each of independent claims 25 and 36 requires at least two hooks 18 that are connected to wires of a lattice 12 at opposite sides of one of the meshes of the lattice 12 such that:

- (1) the at least two hooks 18 cross each other (as shown in Figure 2);
- (2) the one of the meshes of the lattice 12 has a first shape when the lattice 12 is in a retracted state so that the at least two hooks 18 of the clamp are in a *spaced-apart position* (as shown in Figure 3A); and

(3) the same one of the meshes of the lattice 12 has a second shape when the lattice 12 is in an expanded state so that the least two hooks 18 of the clamp are in a *close-together position* (as shown in Figure 5A).

In other words, the hooks 18 must be connected to opposite sides of one of the meshes of the lattice 12 so as to allow the mesh to move between a retracted state and an expanded state *so that the hooks will then move in a corresponding manner between a spaced-apart position and a close-together position*. The Applicant asserted that the combination of prior art applied by the Examiner does not teach or even suggest structures that, when combined, would teach one of ordinary skill in the art to obtain the endovascular prosthesis of the present invention with the above-mentioned feature.

In the Advisory Action, the Examiner responded to the Applicant's comments by stating that the Berg '048 reference teaches a clamp formed of two external hooks connected to opposite sides of a mesh, as shown in Figure 3 of the Berg '048 reference (as modified by the Examiner and inserted into page 4 of the Office Action of April 28, 2010). The Examiner also noted that the Goldsteen reference teaches a graft that is capable of expanding and contracting so that by modifying the graft of the Berg '048 reference with the capability of expanding and contracting as taught by the Goldsteen reference, the clamps attached to the mesh of the Berg '048 reference would be capable of opening and closing with the expansion and contraction of the meshes. However, the Applicant disagrees with the Examiner's reasoning for the following reasons.

Figure 3 of the Berg '048 reference illustrates wire connectors 34 attached to an end 46 of a graft 30. Column 4, line 64 through column 5, line 25 of the Berg '048 reference explains how the wire connectors 34 are fixed to the graft 30. As illustrated in Figures 4a, 4b and 5, each wire connector 34 is a single, integral wire with a "hook" 52 formed at each end thereof, and each wire connector 34 is glued, welded or otherwise suitably fastened at multiple wire intersection points 48 or at multiple attachment points 50 that do not coincide with the wire intersection points 48. Therefore, the multiple connection points 48, 50 that fix the single integrated wire connector 34 (and its two "hooks" 52) to the graft 30 prevent the "hooks" from moving toward and away from each other so as to open and close the "clamp," as suggested by the Examiner. Thus, even if the graft 30 of the Berg '048 reference is made capable of expanding and contracting by the teaching of the Goldsteen reference as suggested by the Examiner, the clamp

formed of the "hook" 52 at each end of the wire connector 34 would not be capable of opening and closing with the expansion and contraction of the meshes. Therefore, for these *additional* reasons, it is submitted that the Examiner's combination of references clearly does not teach or even suggest the endovascular prosthesis as recited in independent claims 25 and 36.

Nonetheless, as noted above, independent claims 25 and 36 have now been amended so as to further distinguish the present invention from the prior art as applied by the Examiner. In particular, independent claims 25 and 36 have been amended to incorporate the subject matter of dependent claims 34 and 44, respectively. Thus, each of independent claims 25 and 36 now recites that the lattice 12 has a *tubular* shape, as generally illustrated in the cross-sectional views of Figures 3A, 4A, and 5A. Furthermore, the at least two hooks 18 are offset *circumferentially* with respect to each other around the tubular lattice 12, as illustrated in Figures 3A, 4A, and 5A, as well as Figure 1. This configuration ensures that when the lattice 12 deforms from the retracted state shown in Figure 3A to the expanded state shown in Figure 5A, the hooks 18 - which are offset *circumferentially* with respect to each other around the tubular lattice 12 - will move to the close-together position so that the clamp 16 becomes closed as illustrated in Figures 2 and 5A.

As illustrated in Figure 3 through Figure 5 of the Berg '048 reference, the "hooks" 52 are clearly offset *axially* with respect to each other along the longitudinal axis of graft 30. In item 11 on page 5 and item 23 on page 9 of the final Office Action, the Examiner asserted that the Berg '048 reference teaches a lattice having a tubular shape with at least two hooks 3310 offset circumferentially with respect to each other around a tubular prosthesis 3300, as illustrated in Figure 33. However, the Berg '048 reference has no Figure 33. Thus, it *appears* that the Examiner is referring to the Berg '377 reference which was not officially applied in the outstanding Office Action. Nonetheless, as explained below, it is submitted that the Berg '377 reference also does not teach this feature.

As explained in paragraphs [0169] through [0177] of the Berg '377 reference, a band 3302 is arranged around a balloon 3390, and the band 3302 has anchors 3310 located at opposite sides of the balloon 3390. Each of the anchors (i.e., "clamps") 3310 has two hooks 3340 which are also offset *axially* with respect to each other along the balloon 3390, but not *circumferentially*. Thus, although the Berg '377 reference was not officially applied by the

Examiner in the outstanding Office Action, it is submitted that the Berg '377 reference also does not teach or even suggest an endovascular prosthesis comprising a lattice having a tubular shape, in which at least two hooks are offset *circumferentially* with respect to each other around the tubular lattice.

The Goldsteen reference, the Berg '713 reference, and the Perez reference also do not teach or even suggest the arrangement of the endovascular prosthesis as recited in amended independent claims 25 and 36, including two hooks offset circumferentially with respect to each other around a tubular lattice. Therefore, these references do not correct the deficiencies in the Berg '048 reference, and provide no reason for one of ordinary skill in the art to obtain the invention as recited in amended independent claims 25 and 36. Accordingly, it is respectfully submitted that the amended independent claims and the claims that depend therefrom are now clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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